

MINUTES
KENTUCKY BOARD OF PHARMACY
Spindletop Administration Building, Suite 302
2624 Research Park Dr.
Lexington, Kentucky

March 12, 2008

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at Spindletop Administration Building, 2624 Research Park Drive, Lexington, Kentucky. President Leake called the meeting to order at 9:03 a.m.

Members present: Mike Leake, Peter Orzali, Anne Policastri, and Catherine Shely. Staff: Michael Burleson, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe and Steve Hart, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; and Cheryl Lalonde, Assistant Attorney General and Board Counsel. Guests: Brian Fingerson, Pharmacist Recovery Network Committee; Catherine Hanna, APSC; Ron Poole and Robert Bunting, Kentucky Pharmacists Association; Brandi Johnson, CVS; Sue Gage, Target; Mike Wyant, Cardinal Health; Kevin Lamping, Rite Aid; Chris Killmeier and Dan Luce, Walgreens; Leah Tolliver, Tolliver Management Corp.; Mark Taylor, Wal-Mart; Carla McSpadden, American Society of Consultant Pharmacists; Brian Host, St. Claire Regional Medical Center; Richard Ross; Trish Freeman; William Hamilton; and Victoria Smith, Kelly Stout, Kristin Elliott, Lindsey White, Donny Gerald, Jericho Herringshaw, and Erin Bush, College of Pharmacy students. Melanie Curtis, Court Reporter, recorded the meeting. Board members Sandy Simpson and Patricia Thornbury and Pharmacy and Drug Inspector Phil Losch were absent.

MINUTES: On motion by Dr. Policastri, seconded by Dr. Shely and passed unanimously, the Minutes of February 13, 2008 Special Called Board Meeting were adopted.

APPEARANCES: **William Hamilton.** Mr. Hamilton was sworn in by Melanie Curtis, Court Reporter. Mr. Hamilton appeared before the Board requesting permission to take the pharmacist's licensure exam and reinstatement of his Kentucky pharmacist's license that had been surrendered for five years and a day. Mr. Hamilton gave a brief overview of the events that lead to the loss of his license. Mr. Hamilton had been convicted of fraudulently billing Medicaid for prescriptions and was sentenced to five years in a correctional facility. Mr. Hamilton was released from the correctional facility after serving one month and given five years probation. Dr. Shely moved to deny Mr. Hamilton's request to take the pharmacist's licensure exam and deny reinstatement of his Kentucky pharmacist's license until Mr. Hamilton can provide documentation to the Board that he is allowed by the Office of Inspector General to be a Medicaid provider in the Commonwealth, be willing to further discuss what happened to the money gained by the fraud, and state more clearly to the Board what changes he has made in his life to

regain the confidence of the Board that he would be able to practice pharmacy again. Dr. Policastri seconded, and the motion passed unanimously.

William Sorrell. Mr. Sorrell was sworn in by Melanie Curtis, Court Reporter. Mr. Sorrell appeared before the Board asking for reinstatement of his Kentucky pharmacist's license. Mr. Sorrell gave a brief overview of the events that lead to the loss of his license. After discussion, Dr. Shely moved to reinstate Mr. Sorrell's Kentucky pharmacist's license with the stipulations as follows: 10 years probation; shall maintain a perpetual inventory at all places of employment for Schedule II drugs, with electronic tracking of Schedule III-V drugs, and perpetual inventory shall be made available to the Board upon request and audits may be conducted; shall attend AA/NA meeting no less than 8 times per 2 week period or 16 meetings per calendar month, which shall include a minimum of 3 meetings per week, and Mr. Sorrell may request a decrease in meeting attendance after one year; Board shall conduct quarterly inspections for one year after which time semi-annual inspections shall be conducted, at all locations of employment or practice as a pharmacist, the cost of which not to exceed \$500 per inspection, shall be paid to the Board within 30 days of invoicing; agrees that a violation of the Agreed Order of Reinstatement shall cause him to automatically lose his license to practice pharmacy for not less than five years and one day and shall require individual to petition the Board for reinstatement only after he has taken and successfully passed the entire Kentucky Board of Pharmacy licensure examination; continuing education requirements must be satisfied, renewal fees and any penalties must be paid, and a complete renewal application must be submitted; maximum hours of work: 45 hours/week or 90 hours/2 weeks, with a maximum of 50 hours in any 7 consecutive days and no overtime; shall provide a copy of this Agreed Order to all employers and pharmacists-in-charge; shall sign an aftercare contract, to include drug counselor if indicated, with the Pharmacist Recovery Network Committee (PRNC) for the length of the Agreed Order; any violation of this Agreed Order or PRN contract shall be reported to the Board and PRN Chair within 24 hours of violation; shall notify Board of change of home address, telephone number, and/or email within 7 days of change; shall provide to the Board and PRNC a signed release granting the Board and PRNC access to all written medical records and conversations regarding medical care; shall provide the Board and PRNC with written monthly reports of all AA/NA meetings; shall agree to provide observed urine, other body fluid, or hair samples for drug/alcohol screens at the direction of PRNC, the Board or any other monitoring body; provide copies of any results of any screens ordered to the Board and PRNC; provide notification to PRN Chair, Board and testing company of anything that may affect pharmacist's availability for screens prior to event, a missed screen shall be cause for reporting such to the Board, any positive screen that is a violation of the Agreed Order or PRN contract shall be communicated to the Board by the PRNC Chair within 24 hours, a report indicating a presumptive presence shall constitute a conclusive basis, without the necessity of a hearing, for a determination that pharmacist is not in compliance with the terms of this Agreed Order of Reinstatement; shall agree to abstain from any and all mood-altering chemicals, except as prescribed by pharmacist's physician and only after consultation with PRNC Chair; shall notify PRNC Chair in advance if any mood-altering and/or potentially addictive medications are required or recommended by pharmacist's physician; shall provide documentation to

PRNC Chair of the need for the medication within 3 days; shall renew verification with PRNC Chair every 90 days if need for medication is ongoing; shall give up the right to self medicate with the exception of single entity OTC NSAIDS and acetaminophen; shall be excluded from accepting a position of pharmacist-in-charge, power of attorney, or preceptor; shall advise Board at all times of place of employment and shall only practice at a location with a work schedule that has received prior approval of the Board or its President; shall obtain all prescriptions and those of family at a pharmacy designated in writing to the Board; prescriptions may not be filled by a family member or at any family owned pharmacy and shall not dispense any drugs for self or family; shall attend within 1 year of entry of this Agreed Order either the University of Utah School on Alcoholism and other Drug Dependencies, CAPTASA, or SE PRN meeting and shall provide a certificate of completion; shall provide monthly written self performance evaluation to the Board and PRNC Chair and shall make all appearances before the PRNC as requested, including an annual appearance closest to the anniversary date of reinstatement; committing any act that results in violation of federal or state pharmacy or drug statute or regulation, may result in an emergency suspension of pharmacist's license, require an appearance before the Board, or result in a complaint against pharmacist's license with the Board imposing any applicable penalties; shall not seek to amend or modify this Agreed Order. Above information shall be reported to NABP and is subject to disclosure under the Kentucky Open Records Act. Dr. Policastri seconded, and the motion passed unanimously.

Macy Belden. Ms. Belden was sworn in by Melanie Curtis, Court Reporter. Peter Orzali recused himself from this appearance resulting in a lack of a quorum. Ms. Belden's appearance is to be rescheduled for the May 14, 2008, Board meeting.

Dr. Trish Freeman. Dr. Freeman was sworn in by Melanie Curtis, Court Reporter. Dr. Freeman appeared before the Board to request a change in 201 KAR 2:220. The change would allow for immediate intervention by a pharmacist instead of delaying care because of having to obtain patient specific information before the collaborative care agreement is valid. The change would help pharmacists be more efficient by removing barriers of the current regulation. Dr. Freeman is requesting a change in the regulation as to when the information is provided not what information is provided. Dr. Shely moved to amend 201 KAR 2:220 as proposed and file the amendment on or before April 15, 2008, with a public hearing on May 28, 2008 at the Board Office at 9:00 a.m. Mr. Orzali seconded, and the motion passed unanimously.

Leah Tolliver, Robert Bunting, and Ron Poole. Dr. Tolliver, Mr. Bunting, and Mr. Poole were sworn in by Melanie Curtis, Court Reporter. Mr. Poole is President of KPhA, Mr. Bunting is Chair and Dr. Tolliver is Vice Chair of the KPhA Academy for Consultant Pharmacists. Dr. Tolliver and Mr. Bunting presented the National Association of Boards of Pharmacy (NABP) and the American Society of Consultant Pharmacists (ASCP) Joint Report: Model Rules for Long-Term Care Pharmacy Practice. The Board thanked Dr. Tolliver and Mr. Bunting for the information, directing the KPhA Academy for Consultant Pharmacists to determine changes wanted in the Kentucky Pharmacy Practice

Act specific to long term care pharmacies and present these changes to the Board for discussion. .

Chris Killmeier and Dan Luce. Mr. Killmeier and Mr. Luce were sworn in by Melanie Curtis, Court Reporter. Mr. Killmeier and Mr. Luce, representing Walgreens, requested the Board change the interpretation of supervision of technician to include remote or off the premises supervision. After much discussion, Mr. Orzali moved to request transcripts from previous Board meetings at which these discussions and decisions were made, and to review information to be provided by Walgreens regarding this issue, so that the discussion may be continued at the May 14, 2008 Board meeting. Dr. Policastri seconded, and the motion passed unanimously.

BOARD REPORTS:

Board President. President Leake presented a proposed application for appointment to the Pharmacist Recovery Network Committee (PRNC). Mr. Orzali moved to accept the PRNC application with cover letter as presented. Dr. Shely seconded, and the motion passed unanimously. President Leake directed Mr. Burleson to acquire a list of current members and their tenure on the PRNC.

Board Members. Dr. Policastri. Dr. Policastri informed the Board that she is in the process of surveying the graduating class regarding the New Licensee Reception and will present the results at the May 14, 2008 Board meeting.

Board Executive Director. 1) EMars monthly reports for February and March 2008 were presented to the Board. 2) The annual KPhA meeting is June 19-21, 2008 in Lexington. 3) The KSHP meeting is May 15-16, 2008 in Louisville. 4) The University of Kentucky Law Review is April 19, 2008 at the Lexington Marriott. 5) The Commonwealth has proposed to take monies from the Board to put into the General Fund to help with the deficit in the state budget in amounts as follows: 2008 - \$190,000; 2009 - \$300,000; 2010 - \$300,000. The Board directed Mr. Burleson to draft a letter on behalf of the Board expressing opposition to this proposal and to contact KPhA, KSHP, and APSC regarding this form of double taxation. 6) 86% of pharmacists renewed pharmacist's license online.

CURRENT/PENDING CASES:

Case No. 07-0104. Tabled due to lack of a quorum.

Case Updates:

Mr. Orzali moved for acceptance and entry of the proposed Agreed Order Case No. 07-0040 as signed. Dr. Policastri seconded, and the motion passed unanimously.

Dr. Shely moved for acceptance and entry of the proposed Agreed Orders as written. Dr. Policastri seconded, and the motion passed unanimously.

Case No. 07-0023A; Case No. 07-0027; Case No. 07-0077A; Case No. 07-0084B; Case No. 07-0091; Case No. 07-0094A & B; Case No. 07-0098B; Case No. 07-0099B; Case No. 07-0100; and Case No. 07-0107.

Case Review: Dr. Shely moved for acceptance of the Case Review Committee recommendations for the following case reports. Dr. Policastri seconded, and the motion passed unanimously.

Case No. 06-0001. UPDATE. Pharmacist is currently being evaluated, if evaluation shows no or insufficient evidence of impairment CRC recommends the case is closed without prejudice. If evaluation shows sufficient evidence of impairment then the case will be reviewed by CRC.

Case No. 06-0100A. Pharmacy permit holder allegedly had no VIPPS certification for internet prescriptions, DUR not being performed by pharmacist, clean room not USP 797 compliant, compounding commercially available products. Alleged violations of law: KRS 315.035(8), 315.121(1)(a), 315.121(2)(d), 315.121(2)(j), 217.065(7), 218A.180(3)(a), and 218A.180(4). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 06-0100B. Pharmacist allegedly engaged in unprofessional conduct as related to appropriate professional judgment in determining whether a prescription drug order is lawful, and compounding commercially available products. Alleged violations of law: KRS 315.035(8), 315.121(1)(a), 315.121(2)(d), 315.121(2)(j), 217.065(7), 218A.180(3)(a), and 218A.180(4). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 07-0103A. Pharmacy permit holder allegedly committed medication errors, patient received wrong medication. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 07-0103B. Pharmacist allegedly committed medication errors, patient received wrong medication. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 07-0103C. Pharmacist allegedly committed medication errors, patient received wrong medication. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 07-0105A. Pharmacy permit holder allegedly sold a misbranded drug as a result of a medication error. Thirteen year old patient received Requip 1mg instead of Risperdal 1 mg. Patient took the wrong medication for approximately 3 weeks, resulting in insomnia, uncontrolled rage, worsening depression, and suspension from school so that now the patient must be home schooled. Alleged violations of law: KRS 217.065(1) and KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 07-0105B. Pharmacist allegedly engaged in unprofessional and unethical conduct by committing a medication error. Thirteen year old patient received Requip 1mg instead of Risperdal 1 mg. Patient took the wrong medication for approximately 3 weeks, resulting in insomnia, uncontrolled rage, worsening depression, and suspension from school so that now the patient must be home schooled. Alleged violations of law: KRS 217.065(1) and KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 07-0106A. Pharmacy permit holder allegedly is not reporting to KASPER, billing bogus prescriptions, and filling prescriptions without authorization. Alleged violations of law: KRS 315.121(2)(b)(d)(e)(f)(h) and KRS 315.010(5). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 07-0106B. Pharmacy permit holder allegedly is not reporting to KASPER, billing bogus prescriptions, and filling prescriptions without authorization. The pharmacy is compounding commercially available products, is stockpiling compounded products, is non compliant with USP 797, and is changing doses of compounded product without authorization. Alleged violations of law: KRS 315.121(2)(b)(d)(e)(f)(h), and KRS 315.010(5). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 07-0106C. Pharmacist is allegedly filling prescriptions without authorization, is not reporting to KASPER, is billing bogus prescriptions, is compounding commercially available products, is stockpiling compounded products, is non compliant with USP 797, and is changing doses of compounded product without authorization. Alleged violations

of law: KRS 315.121(2)(b)(d)(e)(f)(h), and KRS 315.010(5). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 07-0108A. Pharmacy permit holder allegedly committed a medication error by filling a prescription for amoxicillin with generic Augmentin. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 07-0108B. Pharmacist allegedly committed a medication error by filling a prescription for amoxicillin with generic Augmentin. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence developed and the investigator is directed to conduct further investigation.

Case No. 07-0109A. Pharmacy permit holder allegedly committed medication errors and lacked supervision of a technician's work. Alleged violations of law: KRS 315.121(2)(d) and KRS 315.010 (18). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 07-0109B. Pharmacist allegedly committed medication error. Alleged violations of law: KRS 315.121(2)(d) and KRS 315.010 (18). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 07-0109C. Pharmacist allegedly committed medication error. Alleged violations of law: KRS 315.121(2)(d) and KRS 315.010 (18). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 07-0109D. Pharmacist allegedly committed medication error. Alleged violations of law: KRS 315.121(2)(d) and KRS 315.010 (18). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0001A. Pharmacy permit holder allegedly committed a medication error by administering Fluarix instead of Fluzone to an 11 year old patient. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is insufficient evidence of a violation to warrant disciplinary action and the case is closed without prejudice.

Case No. 08-0001B. Pharmacist allegedly committed a medication error by administering Fluarix instead of Fluzone to an 11 year old patient. Alleged violation of law: KRS 315.121(2)(d). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0003. Special limited medical gas pharmacy allegedly moved without proper notification to the Board office and an inspection by a pharmacy and drug inspector, resulting in a prescription drug (oxygen) being stored at an unlicensed facility. Alleged violations of law: KRS 315.035(5) and 201 KAR 2:225 Section 2(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0004. Special limited medical gas pharmacy allegedly moved without proper notification to the Board office and an inspection by a pharmacy and drug inspector, resulting in a prescription drug (oxygen) being stored at an unlicensed facility. Alleged violations of law: KRS 315.035(5) and 201 KAR 2:225 Section 2(3). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0005. An out of state wholesaler has allegedly been distributing legend drugs, including controlled substances, into Kentucky without having an out of state wholesaler permit since May 16, 2006. Alleged violations of law: KRS 315.036(1) and 201 KAR 2:105. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0006. An out of state wholesaler has allegedly been distributing legend drugs, including controlled substances, into Kentucky without having an out of state wholesaler permit since April 5, 2005. Alleged violations of law:

KRS 315.036(1) and 201 KAR 2:105. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0007. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported only completing 3 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0008. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported completing 0 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0009. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported completing 0 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0010. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported only completing 14 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. **CRC Recommendation:** There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0011. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported only completing 6 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. **CRC Recommendation:** There is sufficient evidence of a violation to warrant

disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0012. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported completing 0 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0016. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported only completing 9 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0017. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported only completing 2 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0018. Pharmacist allegedly failed to complete 15 hours of continuing education for 2007. Pharmacist reported completing 0 of 15 required hours. Alleged violations of law: KRS 315.065 and 201 KAR 2:015. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0019. Pharmacy permit holder allegedly failed to timely notify the Board office of a pharmacist-in-charge (PIC) change. Alleged violation of law: 201 KAR 2:020(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with

either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0020. Pharmacist-in-charge allegedly failed to timely notify the Board office of a pharmacist-in-charge (PIC) change. Alleged violation of law: KRS 315.020(1). CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0021A. Pharmacy permit holder allegedly failed to have the IV hoods in pharmacy certified in a timely manner. Alleged violations of law: 201 KAR 2:076 and 201 KAR 2:205. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

Case No. 08-0021B. Pharmacist-in-charge allegedly failed to have the IV hoods in pharmacy certified in a timely manner. Alleged violations of law: 201 KAR 2:076 and 201 KAR 2:205. CRC Recommendation: There is sufficient evidence of a violation to warrant disciplinary action and the Executive Director is directed to attempt resolution through an Agreed Order and, if unsuccessful, to proceed with either an Administrative Conference, if requested, or the issuance of a Formal Complaint and Notice of Hearing.

RECIPROCITY/RELICENSURE/INTERNSHIP: Intern Gurudas Hampapuram requested internship credit for research hours he will be working at Murty Pharmaceuticals. Mr. Orzali moved to approve the request for Gurudas Hampapuram to receive up to 400 hours internship credit for research at Murty Pharmaceuticals, with the understanding the he may only acquire up to 48 hours internship credit per week. Dr. Shely seconded, and the motion passed unanimously.

CORRESPONDENCE/COMMUNICATIONS:

Expungement. Dr. Shely moved to expunge EX 01-08. Dr. Policastri seconded, and the motion passed unanimously.

Aimee Chambers. Ms. Chambers requested to be a dual pharmacist-in-charge at two locations of Oakwood Pharmacy, Somerset and Monticello. Mr. Orzali moved to allow Ms. Chambers to be dual pharmacist-in-charge at Oakwood Pharmacy in Somerset and Oakwood Pharmacy in Monticello. Dr. Shely seconded, and the motion passed unanimously.

Kecia Dawson. Ms. Dawson requested to be a dual pharmacist-in-charge at two locations of EFillRx #1 and #2. Dr. Policastri moved to allow Ms. Dawson to be dual pharmacist-in-charge at EFillRx #1 and EFillRx #2. Mr. Orzali seconded, and the motion passed unanimously.

EFillRx. EfillRx requested an equipment waiver for the EFillRx #2. Mr. Orzali moved to approve the request for waiver of equipment required with the exception of a spatula. Dr. Shely seconded, and the motion passed unanimously.

LEGISLATION/REGULATIONS: HB328 Technician Registration Bill is on the agenda for Tuesday, March 18, 2008. SB177 Board Member Per Diem has run into opposition.

CONTINUING EDUCATION:

Dr. Shely moved to accept the continuing education programs 08-08 through 08-20 as recommended. Mr. Orzali seconded, and the motion passed unanimously.

ADJOURNMENT: On motion by Dr. Shely, seconded by Dr. Policastri, and passed unanimously, President Leake adjourned the meeting at 3:37 p.m. The next regularly scheduled Board meeting is scheduled to begin at 9:00 a.m. on May 14, 2008 at the Board Office.

Michael Burleson, R.Ph.
Executive Director